

**REMARKS**

Claims 1-15 are pending in this application. Claims 1-15 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraphs 3-6 address the arguments previously submitted by Applicant. Applicant will address the Examiner's remarks. In paragraph 4 of the Office Action, the Examiner asserts that U.S. Patent No. 6,631,122 ("Arunachalam") discloses a quality of services (QoS) agent which is located at the network layer. The Examiner asserts there is no clarification for a functional host layer and the QoS device in Arunachalam is equivalent to the claimed service broker device. However, this is incorrect. Applicant asserts that one skilled in the art would understand the functional host layer would be understood to correspond to the Session Layer, which describes the organization of data sequences larger than the packets handled by lower layers.

In Arunachalam, the QoS agent and QoS manager are actually a single device operating at the essentially the same functional layer. The QoS agent of Arunachalam performs mapping of a Type-of-Service and Digital Signal (ToS/DS) field based on a service level agreement (SLA) with a Peer QoS agent or a subscriber. Thus, the QoS Agent of Arunachalam operates on the network layer. As shown in Figure 10A, the agent layer 1007 and wireless QoS agent 1011 are linked. As such, the Agent and QoS agent appear to correspond to the network layer as shown in a typical layer designation diagram reproduced below. Therefore, the QoS device fails to be located at the functional host layer as is the service broker device recited in Applicant's claim. Therefore, with regard to paragraph 4, Applicant respectfully submits that this argument has been overcome.